8682628/2024/VIG-I-PRR01

ABSTRACT

Public Servants – Panchayat Raj & Rural Development Department - Allegation of demand and acceptance of illegal gratification against Sri Batchu Venkata Nadha Prasad, Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna District – Trapped on 18-03-2021 – Sanction for Prosecution under Prevention of Corruption, 1988 (as amended by Act 16 of 2018) – Accorded – Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-I) DEPARTMENT

G.O.Ms.No.20 **Dated:15-03.2024.**

Read :

From the Director General, ACB, AP, Vijayawada final report in letter Rc.No.21/RCT-VKI/2021-S.9, dated:18.01.2024.

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O R D E R:

Whereas, Sri Batchu Venkata Nadha Prasad, worked as Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna District from 19.08.2015 to 18-03-2021 and by virtue of the post held by him, he falls under the category of a Public Servant as defined under section 2 (c) of Prevention of Corruption Act, 1988 (as amended by Act 16 of 2018).

2. And whereas, Sri Mummidisetty Bala Subrahmanyam, native of Penumalli Village, Pedana Mandal, Krishna District, is living by doing agriculture and owned a non-trading rice mill at Penumalli village of Pedana Mandal. In December 2020 funds were granted to Chodavaram Panchayat for the construction of Grama Sachivalayam, Rythu Bharosa Kendhram, Health Care Centre in one complex and the compound wall around the said complex at Chodavaram. The Panchayat Secretary entrusted the work of construction of the said buildings and compound wall to Sri Mummidisetty Bala Subramanyam on behalf of Grama Panchayat. Sri Mummidisetty Bala Subramanyam completed the construction of the said 3 - buildings upto slab

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level and completed the construction of the compound wall at a height of 2 ½ feet with a width of 9 inches, and the construction of the wall up to 2 ½ feet with a width of 4 inches is to be completed. Sri B.V.N Prasad, Assistant Executive Engineer, Panchayat Raj of Pedana Mandal is working as a Special Officer of Chodavaram Gram Panchayat since the cancellation of the previous Panchayat Board. The Panchayat Secretary has to pay the part payments for construction to Sri Mummidisetty Bala Subramanyam's Current Account after taking the recommendations of the concerned Mandal Assistant Executive Engineer. In this case, Sri B.V.N. Prasad, the Special Officer to Chodavaram Village Gram Panchayat and the concerned Panchayat Raj AEE were one and the same. Sri Mummidisetty Bala Subramanyam requested the Panchayat Secretary and the Special Officer/AEE Sri B.V.N. Prasad, to sanction Rs.1,72,991/-for the soil levelling work. As Sri Mummidisetty Bala Subramanyam is not having a Bank Current Account, he requested the Panchayat authorities to deposit the same amount in the Account No.3642618936, which belongs to his friend Sri M.V. Raghavendra Rao. Later the the Special Ofcer/AEE Sri B.V.N. Prasad deposited the amount in the said Bank Account, but the amount was not credited in his friend's Bank Account due to server down. While the matter stood thus, on 09.03.2021 at the O/o DEE, PR, Machilipatnam, Sri Mummidisetty Bala Subramanyam requested the Special Officer of Chodvaram Gram Panchayat/AEE, PR, Pedana Mandal to take necessary steps to issue a bill payment as he completed the construction of 3 buildings up to the level of foundation but Sri B.V.N. Prasad informed that will give this, will give that and made Sri Mummidisetty Bala Subramanyam to go around him and finally informed Sri Mummidisetty Bala Subramanyam to come to his house at Bandar.

3. Whereas, on 11.03.2021 Sri Mummidisetty Bala Subramanyam went to the house of Sri B.V.N. Prasad, AEE and requested him to sanction the payment of bills. Then Sri B.V.N. Prasad, AEE demanded Rs.85,000/- to sanction Rs.24,00,000/- as he completed the work up to the level of the foundation. On that, Sri Mummidisetty Bala Subramanyam expressed his inability to pay the said amount and further expressed that he can pay Rs.30,000/-, but the Sri B.V.N. Prasad, AEE refused and demanded Rs.85,000/- and further, Sri B.V.N. Prasad, AEE informed to pay the amount in two instalments and demanded to pay the first instalment of Rs.45,000/- immediately. As there is no other go, Sri Mummidisetty Bala Subramanyam told Sri B.V.N. Prasad that he will try for the said amount.

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4. Whereas, on 16.03.2021, afternoon at 3 PM, Sri Mummidisetty Bala Subramanyam made a phone call to Sri B.V.N. Prasad, AEE and discussed the construction of the compound wall and further requested to take necessary action to process the payment of bills, on that, Sri BVN Prasad, AEE informed to come and meet him and then he will get sanction of the said bill. On that, Sri Mummidisetty Bala Subramanyam expressed that he can pay Rs.30,000/- only, as the money was not adjusted and then Sri BVN Prasad AEE demanded Rs.45,000/- as 1st instalment out of a total bribe of Rs.85,000/- and give him or give him to whom he directs at the place where he directs. Sri Mummidisetty Bala Subramanyam recorded the entire conversation on his mobile phone. As Sri BVN Prasad will not sanction the bill until he pay the demanded bribe, Sri Mummidisetty Bala Subramanyam is not willing to pay the demanded bribe amount of Rs.85,000/- to the AEE Sri BVN Prasad, Sri Mummidisetty Bala Subramanyam got prepared a report by incorporating the facts regarding the demand of bribe made by the said Sri BVN Prasad. He further, got copied the voice record between him and the Sri BVN Prasad, AEE by a known computer/cell phone shop into a Memory card and attached it along with his report and submitted it to the DSP, ACB, Vijayawada Range, Vijayawada.

5. And whereas, after following due procedure, the DSP, ACB, Vijayawada Range, Krishna District, registered the complaint of Sri Mummidisetty Bala Subramanyam as a case in Cr.No.03/RCT-ACB-VJA/2021 u/s 7 (a) of the Prevention of Corruption (Amendment) Act 2018 on 18.03.2021 at 10.45 hours and submitted original FIR to the concerned and made arrangements for laying a trap.

6. And whereas, after completion of the pre-trap proceedings, the trap party proceeded towards Machilipatnam and at about 16.25 hours, the Trap Party reached nearer to the house of Sri BVN Prasad situated at Brahmapuram Road No-2, in the ground floor of Sai Sri Durga Nilayam vide D.No.20-242, then the DSP asked Sri Mummidisetty Bala Subramanyam to get down from the vehicle and instructed to approach Sri Batchu Venkata Nadha Prasad, AEE, Panchayat Raj, Pedana Mandal along with the tainted amount of Rs.85,000/- and pay the tainted amount to Sri BVN Prasad only on his further demand but not otherwise.

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7. And whereas, after leaving the trap party Sri Mummidisetty Bala Subrahmanyam entered the house of Sri B. Venkata Nadha Prasad and found Sri B. Venkata Nadha Prasad in the main hall sitting in the sofa and on seeing Sri M. Bala Subrahmanayam, Sri B.Venkata Nadha Prasad asked Sri M.Bala Subrahmanyam whether he brought the bribe amount or not and on that Sri M. Bala Subrahmanyam gave an affirmative reply on that Sri B. Venkata Nadha Prasad asked to pay the bribe amount and Sri M. Bala Subrahmanyam paid the bribe amount of Rs.85000/- to Sri B.Venkata Nadha Prasad, who received with his right hand, counted with both hands and after confirmation as Rs.85,000/- Sri B.Venkata Nadha Prasad kept the amount in his left side front pant pocket and informed Sri M. Bala Subrahmanyam that he would complete his work within a short period. When both the hand fingers of Sri B.Venkata Nadha Prasad was tested in Sodium Carbonate solution, the solution turned into pink in colour. When enquired Sri B.Venkata Nadha Prasad about the amount, Sri B.Venkata Nadha Prasad produced the bunch of currency notes picking out from his left side front pant pocket. The serial number of the currency notes when verified tallied with serial numbers noted in the pre-trap proceedings. The left side inner pant pocket when tested in Sodium Carbonate solution turned into pink colour. When questioned about the records pertaining to the work entrusted to Sri M. Bala Subrahmanyam, Sri B.Venkata Nadha Prasad produced the file containing 12 sheets.

8. And whereas, the above said acts of Sri Batchu Venkata Nadha Prasad, Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna district constitute an offence punishable under section 7(a) of Prevention of Corruption (Amendment) Act, 2018.

9. And whereas, the Government of Andhra Pradesh, being the competent authority to remove Sri Batchu Venkata Nadha Prasad, Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna District from service, after fully and carefully examining the material (i.e. F.I.R., Mediator Reports and final investigation report etc.,) placed before the Government in respect of the said allegations and having regard to the facts and the circumstances of the case consider that Sri Batchu Venkata Nadha Prasad, Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna District should be prosecuted in a Court of Law.

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10. Now therefore, in exercise of the powers conferred under Clause (b) of Sub-Section (1) of Section 19 of the Prevention of Corruption Act, 1988 (as amended by Act 16 of 2018), the Government of Andhra Pradesh hereby accord sanction for the Prosecution of Sri Batchu Venkata Nadha Prasad, Assistant Executive Engineer, Panchayat Raj, Pedana Mandal, Krishna District for the offence punishable under section 7(a) of Prevention of Corruption Act, 1988 (as amended by Act, 16 of 2018) and for any other cognate offences punishable under any other provisions of law for the time being in force in respect of the aforesaid acts and for taking cognizance of the said offences by a court of competent jurisdiction.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

(SHASHIBHUSHAN KUMAR)
PRINCIPAL SECRETARY TO GOVT.(FAC)

To
The Director General,
Anti-Corruption Bureau,
Andhra Pradesh, Vijayawada.